

Adopted	Rejected
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## COMMITTEE REPORT

YES:	6
NO:	4

### MR. SPEAKER:

*Your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 5, delete lines 3 through 42, begin a new paragraph and insert:
- 2 "SECTION 5. IC 20-10.1-2-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A school year is
- 4 the period of time beginning after June 30 of each year and ending
- 5 before July 1 of the following year, except when a different period is
- 6 specified for a particular purpose.
- 7 (b) A student instructional day in grades 1 through 6 consists of a
- 8 minimum of five (5) hours of instructional time. A student instructional
- 9 day in grades 7 through 12 consists of a minimum of six (6) hours of
- 10 instructional time. For purposes of this section, instructional time is
- 11 time in which students are participating in an approved course,
- 12 curriculum, or educationally related activity under the direction of a
- 13 teacher, including a reasonable amount of passing time between
- 14 classes. However, instructional time does not include lunch or recess.
- 15 (c) ~~For the 1987-88 school year, each school corporation shall~~
- 16 ~~conduct at least one hundred seventy-five (175) student instructional~~

~~days. For the 1988-89 school year and each school year after that,~~  
**Subject to section 1.1 of this chapter,** each school corporation shall  
 conduct at least one hundred eighty (180) student instructional days.  
~~No~~ **Not** later than June 15 of each school year, the superintendent of  
 each school corporation shall certify to the department the number of  
 student instructional days conducted during that school year. **The**  
**certification of days must include information pertaining to the**  
**activities conducted on the days described in section 1.1 of this**  
**chapter.**

(d) If a school corporation fails to conduct the minimum number of  
 student instructional days during a school year as required under  
 subsection (c), the department shall reduce the August tuition support  
 distribution to that school corporation by an amount determined as  
 follows:

~~(1) For the 1987-88 school year, the amount determined under~~  
~~STEP THREE of the following formula:~~

~~STEP ONE: Divide the amount of the total tuition support~~  
~~allocated to the school corporation for the 1987-88 school year~~  
~~by one hundred seventy-five (175):~~

~~STEP TWO: Subtract the number of student instructional days~~  
~~that the school corporation conducted from one hundred~~  
~~seventy-five (175):~~

~~STEP THREE: Multiply the amount determined under STEP~~  
~~ONE by the amount determined under STEP TWO:~~

~~(2) For the 1988-89 school year and each school year after that,~~  
~~the amount determined under STEP NINE of the following~~  
~~formula:~~

~~STEP ONE: Determine the remainder of:~~

~~(A) (1) the amount of the total tuition support allocated to the~~  
~~school corporation for the particular school year; minus~~

~~(B) (2) that part of the total tuition support allocated to the~~  
~~school corporation for that school year with respect to student~~  
~~instructional days one hundred seventy-six (176) through one~~  
~~hundred eighty (180).~~

~~STEP TWO: Subtract the number of student instructional days~~  
~~that the school corporation conducted from one hundred eighty~~  
~~(180).~~

~~STEP THREE: Determine the lesser of five (5) or the remainder~~

- 1 determined under STEP TWO.
- 2 STEP FOUR: Divide the amount subtracted under STEP ONE(B)
- 3 by five (5).
- 4 STEP FIVE: Multiply the quotient determined under STEP FOUR
- 5 by the number determined under STEP THREE.
- 6 STEP SIX: Subtract the number determined under STEP THREE
- 7 from the remainder determined under STEP TWO.
- 8 STEP SEVEN: Divide the remainder determined under STEP
- 9 ONE by one hundred seventy-five (175).
- 10 STEP EIGHT: Multiply the quotient determined under STEP
- 11 SEVEN by the remainder determined under STEP SIX.
- 12 STEP NINE: Add the product determined under STEP FIVE to
- 13 the product determined under STEP EIGHT.
- 14 (e) The department may grant a waiver of the penalty imposed under
- 15 subsection (d) for a particular number of ~~cancelled~~ **canceled** student
- 16 instructional days if:
- 17 (1) the school corporation applies to the department for a waiver
- 18 of the penalty imposed under subsection (d) for a specific number
- 19 of ~~cancelled~~ **canceled** student instructional days; and
- 20 (2) each of the particular number of student instructional days
- 21 requested to be waived under this subsection was ~~cancelled~~
- 22 **canceled** due to extraordinary circumstances.
- 23 (f) The department shall develop guidelines for school corporations
- 24 to apply for a waiver under subsection (e).
- 25 SECTION 6. IC 20-10.1-2-1.1 IS ADDED TO THE INDIANA
- 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2003]: **Sec. 1.1. (a) This section applies to a**
- 28 **public school that exceeds the student instructional day**
- 29 **requirement set forth in section 1(c) of this chapter in a manner so**
- 30 **that each instructional day is comprised of at least:**
- 31 **(1) five (5) hours and eighteen (18) minutes for grades 1**
- 32 **through 6; or**
- 33 **(2) six (6) hours and twenty-one (21) minutes for grades 7**
- 34 **through 12.**
- 35 **(b) A school described in subsection (a) may use the equivalent**
- 36 **of up to five (5) of the school instructional days in a school year,**
- 37 **including full days, to conduct one (1) or more of the following**
- 38 **instead of student instruction:**

- 1           **(1) Activities associated with the strategic and continuous**
- 2           **school improvement and achievement plan under**
- 3           **IC 20-10.2-3.**
- 4           **(2) Professional development activities required under**
- 5           **IC 20-1-1-6.5.**
- 6           **(3) Parental involvement initiatives.**
- 7           **(4) Community partnership activities.**
- 8           **(5) Standards, curriculum, instruction, and assessment**
- 9           **alignment.**
- 10          **(6) Any other activity associated with the implementation of**
- 11          **IC 20-1-1-6.3, IC 20-1-1-6.5, or IC 20-10.2.**
- 12          **(c) This section expires June 30, 2005.**

13          SECTION 7. IC 20-10.1-16-13, AS AMENDED BY P.L.193-1999,  
 14          SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15          UPON PASSAGE]: Sec. 13. (a) ~~Beginning with the class of students~~  
 16          ~~who expect to graduate during the 1999-2000 school year,~~ Each student  
 17          is required to meet:

- 18               (1) the academic standards tested in the graduation examination;
- 19               and
- 20               (2) any additional requirements established by the governing
- 21               body;

22          to be eligible to graduate.

23          (b) A student who does not meet the academic standards tested in  
 24          the graduation examination shall be given the opportunity to be tested  
 25          during each semester of each grade following the grade in which the  
 26          student is initially tested until the student achieves a passing score.

27          (c) A student who does not achieve a passing score on the  
 28          graduation examination may be eligible to graduate if all of the  
 29          following occur:

- 30               (1) The principal of the school the student attends certifies that
- 31               the student will within one (1) month of the student's scheduled
- 32               graduation date successfully complete all components of the Core
- 33               40 curriculum as established by the board under IC 20-10.1-5.7-1.
- 34               (2) The student otherwise satisfies all state and local graduation
- 35               requirements.

36          (d) A student who does not achieve a passing score on the  
 37          graduation examination and who does not meet the requirements of  
 38          subsection (c) may be eligible to graduate if the student does all of the

1 following:

- 2 (1) Takes the graduation examination in each subject area in
- 3 which the student did not achieve a passing score at least one (1)
- 4 time every school year after the school year in which the student
- 5 first takes the graduation examination.
- 6 (2) Completes remediation opportunities provided to the student
- 7 by the student's school.
- 8 (3) Maintains a school attendance rate of at least ninety-five
- 9 percent (95%) with excused absences not counting against the
- 10 student's attendance.
- 11 (4) Maintains at least a "C" average or the equivalent in the
- 12 courses comprising the credits specifically required for graduation
- 13 by rule of the board.
- 14 (5) Obtains a written recommendation from a teacher of the
- 15 student in each subject area in which the student has not achieved
- 16 a passing score. The recommendation must:
  - 17 (A) be concurred in by the principal of the student's school;
  - 18 and
  - 19 (B) be supported by documentation that the student has
  - 20 attained the academic standard in the subject area based upon:
    - 21 (i) tests other than the graduation examination; or
    - 22 (ii) classroom work.
- 23 (6) Otherwise satisfies all state and local graduation requirements.
- 24 (e) This subsection applies to a student who is a child with a
- 25 disability (as defined in IC 20-1-6-1). If the student does not achieve a
- 26 passing score on the graduation examination, the student's case
- 27 conference committee may determine that the student is eligible to
- 28 graduate if the case conference committee finds the following:
  - 29 (1) The student's teacher of record, in consultation with a teacher
  - 30 of the student in each subject area in which the student has not
  - 31 achieved a passing score, makes a written recommendation to the
  - 32 case conference committee. The recommendation must:
    - 33 (A) be concurred in by the principal of the student's school;
    - 34 and
    - 35 (B) be supported by documentation that the student has
    - 36 attained the ~~academic standard in the subject area~~ **goals**
    - 37 **established by the student's individual educational**
    - 38 **program** based upon:

- 1 (i) tests other than the graduation examination; or  
 2 (ii) classroom work.
- 3 (2) The student meets all of the following requirements:
- 4 (A) Retakes the graduation examination in each subject area  
 5 in which the student did not achieve a passing score as often  
 6 as required by the student's individualized education program.
- 7 (B) Completes remediation opportunities provided to the  
 8 student by the student's school to the extent required by the  
 9 student's individualized education program.
- 10 (C) Maintains a school attendance rate of at least ninety-five  
 11 percent (95%) to the extent required by the student's  
 12 individualized education program with excused absences not  
 13 counting against the student's attendance.
- 14 (D) Maintains ~~at least a "C" average or the equivalent in the~~  
 15 ~~courses comprising the credits specifically required for~~  
 16 ~~graduation by rule of the board: a passing grade as defined~~  
 17 **by the governing body of the school corporation where the**  
 18 **student is enrolled.**
- 19 (E) Otherwise satisfies all state and local graduation  
 20 requirements."
- 21 Delete page 6.
- 22 Page 7, delete lines 1 through 2.
- 23 Page 7, after line 12, begin a new paragraph and insert:  
 24 "SECTION 9. **An emergency is declared for this act.**".
- 25 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 187 as printed March 28, 2003.)

**and when so amended that said bill do pass.**

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Representative Pelath